

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JILL ALEXANDER, an individual,

Plaintiff,

v.

BOEING COMMERCIAL SPACE
COMPANY, a corporation doing business
in the State of Washington,

Defendant.

No. No. 2:13-cv-1369

NOTICE OF REMOVAL

**TO: THE CLERK AND HONORABLE JUDGES OF THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, defendant The Boeing Company
("Boeing"), mistakenly named as "Boeing Commercial Space Company" in the case caption,
removes this action to this Court from the Superior Court of the State of Washington for King
County. In support of this Notice, Boeing respectfully states:

STATE COURT ACTION

1. Plaintiff Jill Alexander ("Plaintiff") commenced this action on or about July 24,
2013, by filing the Summons and Complaint in the Superior Court of the State of Washington for
King County, where it was assigned Case No. 13-2-26992-9. Boeing was served with the

BOEING'S NOTICE OF REMOVAL (No. 2:13-
cv-1369) – 1

03002-1688/LEGAL27410305.1

Perkins Coie LLP
1201 Third Avenue, Suite 4900
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Phone: 206.359.8000
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1 Summons and Complaint on July 26, 2013. No further proceedings in this matter have been had
2
3 in the Superior Court.

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5 2. Plaintiff's Complaint attempts to plead claims for failure to accommodate a
6 disability, RCW 49.60.180; violation of the Washington Family Leave Act, RCW 49.78; and
7 discrimination on the basis of disability, RCW 49.60.210. Complaint for Damages ("Compl.")
8 ¶¶ I.1-3. Plaintiff seeks "lost wages and the value of benefits"; "[f]ront pay" and "benefits
9 through the time of trial and for a reasonable period into the future," "[l]iquidated damages
10 pursuant to the Washington Family Leave Act, RCW 49.78.330," "[p]rejudgment interest,"
11 "[d]amages for humiliation, loss of enjoyment of life, pain and suffering, personal indignity,
12 embarrassment, fear, sadness, anger, anxiety, anguish and other forms of emotional distress";
13 "[a]ll other available actual damages," "attorneys' fees and actual costs," and "such other and
14 further relief as the Court deems just and equitable." Compl. ¶¶ IV.1-8.

25 **GROUND FOR REMOVAL: DIVERSITY OF CITIZENSHIP**

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27 3. This action is removable under 28 U.S.C. § 1441(a) and (b) because the Court has
28 original jurisdiction under 28 U.S.C. § 1332. There is diversity jurisdiction because there is
29 complete diversity among the parties and the amount in controversy exceeds \$75,000. Finally,
30 this Notice is timely filed and all other procedural requirements are met.

35 **Complete Diversity of Citizenship**

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37 4. Plaintiff alleges that she "is, and was at all times material to this action, a resident
38 of King County, Washington." Compl. ¶ I.1.

39
40 5. Boeing is a corporation organized and existing under the laws of Delaware.
41 Boeing's headquarters and principal place of business are located in Illinois. Boeing is a citizen
42 of Delaware and Illinois. *See* 28 U.S.C. § 1332(c)(1).
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47 6. Thus, complete diversity of citizenship exists between the parties for purposes of
48 diversity jurisdiction under 28 U.S.C. § 1332(a).
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Amount in Controversy

7. In the Complaint, Plaintiff does not specify the dollar amount in damages sought. Among other damages, Plaintiff seeks back pay for lost wages and benefits (adjusted upward for *Blaney* tax implications), emotional distress and mental anguish, “front pay” through the time of trial (sic) and for a “reasonable period” thereafter, interest, and reasonable attorney fees and costs—all in an amount to be established at trial and in post-trial proceedings.

8. At the time of her discharge, Plaintiff’s annual salary at Boeing was \$104,300.00. Plaintiff alleges that she was discharged May 3, 2013. Assuming a trial date one year from removal, the relief Plaintiff seeks for “front pay and benefits through the time of trial” exceeds the jurisdictional minimum of \$75,000.

9. Plaintiff’s Complaint also seeks attorneys’ fees under Washington law, which authorizes a fee award to a person recovering judgment for wages or salary owed. Where, as here, attorneys’ fees are recoverable under the applicable state statute, reasonable attorneys’ fees are properly included in the amount in controversy. *Galt G/S v. JSS Scandinavia*, 142 F.3d 1150, 1155-56 (9th Cir. 1998) (considering attorneys’ fees in determining amount in controversy).

10. The amount in controversy exceeds \$75,000. This Court therefore has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a).

ACTION REMOVABLE

11. This action is removable to this Court under 28 U.S.C. § 1441 because this Court would have had original jurisdiction over Plaintiff’s claims had she filed the action initially in federal court. This Court is the district court of the United States for the district and division “embracing the place where [the state court] action is pending,” 28 U.S.C. § 1441(a), and is therefore the appropriate court for removal.

12. This notice is filed with the Court within thirty (30) days after receipt by Boeing of the Complaint, in accordance with 28 U.S.C. § 1446(b).

PLEADINGS FILED

13. Copies of all process and pleadings filed in this case and found in the files of the Superior Court of the State of Washington for King County are attached to the Verification of State Court Record filed with this Notice.

DATED: August 2, 2013

By: s/ James Sanders

By: s/ Zachary P. Jones

James Sanders #24565

Zachary P. Jones #44557

Attorneys for Defendant The Boeing Company

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CERTIFICATE OF SERVICE

On August 2, 2013, I caused to be served upon counsel of record, at the address stated below, via the method of service indicated, a true and correct copy of the following document:

NOTICE OF REMOVAL

Reba Weiss, WSBA No. 12876
Teller & Associates
1139 34th Avenue, Suite B
Seattle, WA 98122
reba@stellerlaw.com
Tel. (206) 324-8969
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<input type="checkbox"/>	Via Hand Delivery
<input checked="" type="checkbox"/>	Via U.S. Mail, 1st Class, Postage Prepaid
<input type="checkbox"/>	Via Overnight Delivery
<input checked="" type="checkbox"/>	Via Email
<input type="checkbox"/>	Via E-filing

Attorneys for Plaintiff

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED at Seattle, Washington, this 2nd day of August, 2013.

s/ Janet Davenport
Janet Davenport
Legal Secretary